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10/014.121	12/11/2001	Larry Myland	108430.014	3966

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08/28/2003

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EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,121

Applicant(s)

MYLAND, LARRY

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Yokomizo (U. S. Pat. No. 6,199,564), Germany 3,824,138 or Aigo (U. S. Pat. No. 4,753,258, please note the Certificate of Correction where, "Seiichiro" has been corrected to "Aigo") in view of Kamikawa et al. (U. S. Pat. No. 6,001,191).

3. Re claim 1, Yokomizo'564, Germany'138 and Aigo'258 are each cited disclosing an inner weir, an overflow wall and a structure connecting the overflow wall and the inner weir to form a drainage basin having at least one drain hole that differs from the claim only in the recitation of the overflow wall having a recess. Kamikawa'191 is cited disclosing an overflow wall (12, see fig. 3) having recess with a bottom, with the top of inner weir being below the bottom of the recess. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Yokomizo'564, Germany'138 or Aigo'258, to include recesses on the overflow wall as taught by Kamikawa'191, for the purpose of ensuring the removal contaminants. Re claim 2, Germany'138 and Aigo'258 disclose the inner weir having a taper as claimed. Re claim 3, Kamikawa'191 discloses the recess as saw-toothed, rectangular or semi-circular. Re claim 4, Kamikawa'191, discloses the drain valve. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Yokomizo'564, Germany'138 or Aigo'258, to include a drain valve as taught by Kamikawa'191, for the

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purpose of controlling the flow of fluid there through. Re claims 5, Germany'138 and Aigo'258, as proposedly modified, disclose the drain valve and inner weir tapered edge as claimed. Re claim 6, Yokomizo'564, Germany'138 and Aigo'258 disclose the tank as proposedly modified. Re claim 7, Yokomizo'564, Germany'138 and Aigo'258 disclose the rinsing tank, drying tank or chemical treatment as claimed. Re claim 8, Yokomizo'564, Germany'138 and Aigo'258 inherently disclose the liquid overflowing the inner weir, the overflow wall and the non-reentering of the contaminants to the process tank as proposedly modified by Kamikawa'191. Re claim 9, Yokomizo'564, Germany'138 and Aigo'258 disclose the drain valve as proposedly modified. Re claim 11, Germany'138 and Aigo'258 disclose the taper as claimed. Re claim 12, Kamikawa'191 discloses the recess as being saw-toothed, rectangular or semi-circular. Re claim 13, Germany'138 and Aigo'138 each disclose the drain hole and taper as proposedly modified by Kamikawa'191.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of Japan 5-152273. Claim 10 defines over the applied prior art only in the recitation of the drain valve being opened in concurrence with the discontinuing of the supply of fluid. Japan'273 is cited disclosing a drain valve (8b) that when is opened, also discontinues the supply of fluid to the process tank. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Yokomizo564, Germany'138 or Aigo'258, to have a flow arrangement as taught by Japan'273, for the purpose of ensuring that removed contaminants do not recontaminate the process tank.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Tanaka '827, Ide et al., Japan'129, Han, Berman, Japan'883, Japan'386, Japan'746, Onoda et al., Kamikawa '297, Takayama et al. and Japan'943, note the weir means.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached during the first week of the pay-period M-F from 5:30 a.m. to 3:00 p.m. and during the second week of the pay-period from Tu-Th second from 5:30 a.m. to 3:00 p.m. and on Fri. from 5:30 a.m. to 2:00 p.m. Alternating Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (NON-FINAL REJECTION STATUS) and (703) 872-9311 (AFTER-FINAL REJECTION STATUS).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact Office Manger Ms. Sandra Sewell (703) 308-0661.

fls


FRANKIE L. STINSON
Primary Examiner
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